



Illinois State Board of Education


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Darren Reisberg
Chair of the Board

Dr. Carmen I. Ayala
State Superintendent of Education

MEMORANDUM

TO: The Honorable William E. Brady, Senate Minority Leader
The Honorable Don Harmon, Senate President
The Honorable Jim Durkin, House Minority Leader
The Honorable Michael J. Madigan, Speaker of the House

FROM: Dr. Carmen I. Ayala 
State Superintendent of Education

DATE: March 30, 2020

SUBJECT: 2019 Educational Mandates Report

Please find attached the 2019 Educational Mandates Report submitted in compliance with Illinois School Code {105 ILCS 5/2-3.104}. This report lists all mandates enacted in the 2019 legislative session, along with a description of each and a cost estimate.

If you have any questions regarding this report, please contact Amanda Elliott, executive director of Legislative Affairs, at (217) 782-6510.

cc: Secretary of the Senate
Clerk of the House
Legislative Research Unit
State Government Report Center



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EDUCATIONAL MANDATES

Annual Report — 2019

Illinois State Board of Education
Legislative Affairs
January 2020

Darren Reisberg, Chair of the Board
State Board of Education

Carmen I. Ayala
State Superintendent of Education

Foreword

The Illinois State Board of Education, pursuant to 105 ILCS 5/2-3.104, must submit to the Illinois General Assembly by March 1 of each year a report listing "all State mandates applicable to the common schools during the school year covered by the report, excluding only those mandates that relate to school elections." The report must include a description of the mandate (with statutory citation), the date the mandate became effective, cost of implementing the mandate, and whether the mandate exists because of a federal law or regulation.

For the purposes of this report and in an effort to have a common definition for the term "mandate," the definition in the State Mandates Act (30 ILCS 805/3(b)) was used; that is, a mandate would be any action at the state level that would require a Local Education Agency to incur additional costs payable from local revenue in carrying out that action. Cost determinations for these mandates were made based upon available data.

This annual report covers all education-related mandates enacted in the 2019 legislative session.

Carmen I. Ayala
State Superintendent of Education

Introduction

Educational Mandates lists all state mandates applicable to the common schools except those that relate to school elections. The report includes a summary of the mandate (with statutory citation), the date the mandate became effective, cost of implementing the mandate, and, if applicable, whether the mandate exists because of a federal law or regulation.

Identification of Mandates

For the purposes of identifying state mandates pertaining to education, the definition contained in the State Mandates Act (30 ILCS 805/3(b)) was used:

... any State-initiated statutory or executive action that requires a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues, excluding any order issued by a court other than any order enforcing such statutory or executive action.

This report covers all education-related mandates enacted in the 2019 legislative session and effective for the 2019-20 school year. In compiling the report, State Board staff examined all amendments to existing statutes and all new statutes from the 2019 legislative session to determine whether the public acts contained a mandate on school districts.

Determination of Cost

It is often difficult to determine the exact cost of a mandate on a Local Education Agency (LEA), so cost estimates in the report are based on available data. Three general categories are used for cost estimates:

- A. The mandate does impose an additional cost, which is _____.

This category will include those mandates for which there has been an appropriation. It cannot be determined, however, whether the appropriation fully covers the cost of the mandate on the LEA nor the amount of local resources used to make up a shortfall.

- B. The mandate does not impose an additional cost.

These categories will include those mandates that:

1. impose additional duties of a nature that can be carried out by existing staff and procedures at no appreciable net cost increase;
2. create additional costs but also provide offsetting savings resulting in no aggregate increase in net costs; or
3. create an additional cost that is wholly or largely recovered from federal, state, or other external financial aid.

- C. The mandate imposes an additional cost, but that amount is indeterminate.

Under the "Cost" section of the report, a letter corresponding to the above categories is used. A key is provided at the bottom of each page.

2019 Laws

Public Act/Summary

Cost

P.A. 101-0010

Reference: 105 ILCS 5/2-3.176 new; 5/2-3.177 new; 5/2-3.178 new; 5/3-16; 5/14-7.02c new; 5.14-7.02; 230/5-43 new; effective June 5, 2019.

Fiscal Year 2020 Budget Implementation Bill. The bill includes four changes that impact education:

- Makes changes to the Evidence-Based Funding for Student Success Act to include (receive tier funding) alternative education programs operated by Regional Offices of Education and Intermediate Service Centers;
- Creates a School Construction Task Force;
- Increases the cap on end-of-career salary increases from 3 percent to 6 percent; and
- Allows private special education schools that serve Chicago Public Schools (CPS) students to receive additional funds to make up for adjustments made as a result of the elimination of the CPS Block Grant in P.A. 100-465 (EBF).

C

P.A. 101-0012

Reference: 105 ILCS 5/2-3.66b; 5/10-19; 5/10-19/05 new; 5/10-20.56; 5/13B-45; 5/13B-50.5; 5/29-6.3; 5/34-18; 433/10; effective July 1, 2019.

Amends the School Code. Requires five clock hours per school day. As amended by Senate Amendment 1, allows exceptions for career-based learning and dual credit courses. Expands existing e-learning pilot statewide. (Three school districts participated in a pilot program.)

C

P.A. 101-0050

Reference: 105 ILCS 5/27A-5; effective June 1, 2020.

Creates the Seizure Smart School Act. Requires the parent or guardian of a student with epilepsy who seeks assistance with epilepsy-related care in a school setting to submit a seizure action plan with the student's school.

C

P.A. 101-0068

Reference: 105 ILS 5/10-17a; effective January 1, 2020.

Amends the School Code. Provides that a regional superintendent may disclose to the State Board of Education whether an applicant seeking employment as a substitute teacher with a school district has been issued a certificate based on a criminal history records check or check of the Statewide Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database made by the superintendent. Makes other changes concerning the Statewide Murderer and Violent Offender Against Youth Database.

C

P.A. 101-0072

Reference: 105 ILCS 5/10-21.9; 5/34-18.5; effective July 12, 2019.

Amends the School Code. Provides that a regional superintendent may disclose to the State Board of Education whether an applicant seeking employment as a substitute teacher with a school district has been issued a certificate based on a criminal history

C

2019 Laws

Public Act/Summary

Cost

records check or check of the Statewide Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database made by the superintendent. Makes other changes concerning the Statewide Murderer and Violent Offender Against Youth Database.

P.A. 101-0133

Reference: 105 ILCS 5/34-230; effective July 26, 2019.

Amends the Chicago School District Article of the School Code. With regard to a proposed school closure, requires the chief executive officer to publish on the school district's website a full financial report on the closure that includes an analysis of the closure's costs and benefits to the district.

C

P.A. 101-0161

Reference: 105 ILCS 10/4; effective January 1, 2020.

Amends the Illinois School Student Records Act. Provides that if the rights and privileges accorded to a parent under the Act have been transferred to a student, a school must give reasonable prior notice to the student (rather than the parent) before any school student record is destroyed or any information is deleted from that record.

B1

P.A. 101-0164

Reference: 105 ILCS 5/10/22-31; effective July 26, 2019.

Amends the School Code. With regard to special education joint agreements, provides that under no circumstances may a petition for withdrawal from a joint agreement be presented to other member districts less than 18 months from the date of the proposed withdrawal. Provides that each withdrawing district shall develop a comprehensive plan that includes the administrative policies and procedures outlined in specified special education rules of the State Board of Education and all relevant portions of the federal Individuals with Disabilities Education Act.

C

P.A. 101-0180

Reference: 105 ILCS 5/22-85 new; effective June 1, 2020.

Makes completion of a Free Application for Federal Student Aid (FAFSA) a graduation requirement. A waiver will be made available by the State Board of Education for students and parents who do not want to fill out a FAFSA for any reason.

B1

P.A. 101-0183

Reference: 105 ILCS 5/27-24.1, 5/27-24.2; effective August 1, 2019.

Amends the School Code. Provides that a school district's decision to allow a student to take a portion of a driver education course through a distance learning program must be determined on a case-by-case basis and must be approved by the student's driver education teacher and the student's parent or guardian. Defines "distance learning program." Provides that under no circumstances may the student take the entire driver education course through a distance learning program.

C

2019 Laws

Public Act/Summary

Cost

P.A. 101-0227

Reference: 105 ILCS 5/2-3.155, 5/27-21; effective July 1, 2020.

Amends the School Code. Requires that in public schools only, the teaching of history of the United States shall include a study of the roles and contributions of lesbian, gay, bisexual, and transgender people in the history of this country and this state.

B1

P.A. 101-0254

Reference: 105 ILCS 5/27-3.10 new; effective July 1, 2020.

Amends the School Code. Provides that every public elementary school shall include in its sixth-, seventh-, or eighth-grade curriculum, beginning with the 2019-20 school year, at least one semester of civics education.

B1

P.A. 101-0290

Reference: 105 ILCS 5/10-22.24b; effective August 9, 2019.

Amends the School Code. Provides that, in assisting all students with a college or postsecondary education plan, a school counselor must include a discussion on all postsecondary education options, including four-year colleges or universities, community colleges, and vocational schools.

B1

P.A. 101-0291

Reference: 105 ILCS 5/27A-5; effective January 1, 2020.

Provides that, no later than one year after the effective date of the amendatory Act, a charter school's board of directors or other governing body must include at least one parent or guardian of a pupil currently enrolled in the charter school who may be selected through the charter school or a charter network election, appointed by the charter school's board of directors or other governing body, or appointed by the charter school's Parent Teacher Organization or its equivalent.

C

P.A. 101-0341

Reference: 105 ILCS 5/27-21; effective January 1, 2020.

With regard to the required history of the United States course, provides that, beginning with the 2020-21 school year, the course must also include instruction on the history of Illinois.

B1

P.A. 101-0350

Reference: 105 ILCS 5/10-22.396, 5/34-18.7; effective January 1, 2020.

With regard to the in-service training program on the warning signs of mental illness and suicidal behavior in youth, provides that a school district may utilize the Illinois Mental Health First Aid training program, established under the Illinois Mental Health First Aid Training Act and administered by certified instructors trained by a national association recognized as an authority in behavioral health, to provide the training. Provides that if licensed school personnel or an administrator obtains mental health first aid training outside of an in-service training program, he or she may present a certificate of successful completion of the training to the school district to satisfy the training requirements.

B1

2019 Laws

Public Act/Summary

Cost

P.A. 101-0370

Reference: 105 ILCS 5/22-33; effective January 1, 2020.

Requires schools to allow a school nurse or a school administrator to administer a medical cannabis-infused product to qualifying students.

B1

P.A. 101-0418

Reference: 105 ILCS 5/10-20.69 new, 5/34-18.61 new; effective January 1, 2020.

Requires each school district to create, maintain, and implement an age-appropriate policy on sexual harassment that must be included in the district's student code of conduct handbook. Provides that a school district's or charter school's policy on bullying must be included in the student code of conduct handbook in an age-appropriate manner.

B1

P.A. 101-0443

Reference: 105 ILCS 5/24-8; effective June 1, 2020.

Requires the salaries of teachers to be no less than \$40,000 by the 2023-24 school year. Provides for a four-year phase-in period beginning with the 2020-21 school year.

C

P.A. 101-0450

Reference: 105 ILCS 5/27-24.2; effective August 23, 2019.

Applies licensure and evaluation requirements to driver education instructors employed at facilities contracted by school districts to provide driver education to students.

C

P.A. 101-0451

Reference: 105 ILCS 5/2-3.136a new, 5/10-20.69 new, 5/34-18.61 new; effective January 1, 2020.

Provides that, no later than day 60 of instruction in each school year, a school board shall report to the State Board of Education for kindergarten through grade 12 classes certain information about actively employed teachers, pupil-teacher ratios, class instructors, and class sections. Defines terms. Requires the State Board of Education to publish the information contained in the reports on its website no later than December 1, 2020, and annually thereafter. Sets forth class size goals to be achieved by the 2021-22 school year.

B1

P.A. 101-0455

Reference: 105 ILCS 128/45 new, 5/3-14.31, 5/10-20.43, 5/10-22.36, 5/17-2.11, 128/25, 230/5-25; effective August 26, 2019.

Requires all school boards of school districts to develop threat assessment protocols and to create threat assessment teams. Exempts records concerning the work of a school district's threat assessment team from the Act.

C

P.A. 101-0515

Reference: 105 ILCS 5/14-6.01, 5/14-8.02f, 5/14-8.02g new, 10/2; effective August 23, 2019.

Provides that, for the Chicago School District only, the school district shall, in collaboration with its primary office overseeing special education policies, publish on

C

2019 Laws

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the school district's publicly available website any proposed changes to its special education policies, which must be available at least 45 days before the adoption of that policy change. This will begin with the 2019-20 school year. Provides that the State Board of Education must (rather than may) create a telephone hotline to address concerns regarding the provision of special education services in a school district.

P.A. 101-0598 amends P.A. 101-0515 to reflect the start date of July 1, 2020.

P.A. 101-0516

Reference: 105 ILCS 85/5, 85/10, 85/15, 85/26 new, 85/27 new, 85/28 new, 85/30, 85/33 new; effective July 1, 2021.

Amends the Student Online Personal Protection Act of 2019. Provides for operator prohibitions, operator duties, school authority prohibitions, school authority duties, State Board of Education duties, and parent rights.

C

P.A. 101-0531

Reference: 105 ILCS 5/10-20.69 new, 5/10-21.9, 5/10-23.12, 5/21B-45, 5/21B-75, 5/21B-80, 5/22-85 new, 5/22-86 new, 5/24-12, 5/24-14, 5/27A-5, 5/34-18.5, 5/34-18.6, 5/34-18.6 new, 5/34-85; effective August 23, 2019.

Includes changes related to sexual abuse in schools and educator misconduct. Also creates the Make Sexual Abuse and Severe Physical Abuse Extinct Task Force to address issues concerning the sexual abuse of students in school-related settings. The task force must submit its findings on or before September 15, 2020.

B1

P.A. 101-0579

Reference: 105 ILCS 5/27-9.1; effective January 1, 2020.

With regard to a sex education course, provides that course material and instruction in grades 6 through 12 must include an age-appropriate discussion on the meaning of consent that includes discussion on recognizing that (i) consent is a freely given agreement to sexual activity, (ii) consent to one particular sexual activity does not constitute consent to other types of sexual activities, (iii) a person's lack of verbal or physical resistance or submission resulting from the use or threat of force does not constitute consent, (iv) a person's manner of dress does not constitute consent, (v) a person's consent to past sexual activity does not constitute consent to future sexual activity, (vi) a person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person, (vii) a person can withdraw consent at any time, and (viii) a person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to certain circumstances.

B1

Removes a provision requiring material and instruction to include, with an emphasis on workplace environment and life on a college campus, discussion on what constitutes sexual consent. Makes other changes concerning the course material and instruction.

2019 Laws

Public Act/Summary

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P.A. 101-0591

Reference: 105 ILCS 5/24A-5.5 new; effective August 27, 2019.

Creates a local appeals process for unsatisfactory evaluations.

C